

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

Federal Communications Commission
Office of the Secretary

JAN 21 1992

To: The Commission

REPLY COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. The Community Broadcasters Association (CBA), the trade association of stations in the Low Power Television (LPTV) Service, hereby submits these Reply Comments in the above-captioned proceeding.

2. CBA's reply is directed to the initial comments of a group known as the "Joint Broadcasters,"^{1/} and in particular to their assertion that if any translators or LPTV stations are displaced by advanced television system (ATV) allotments, translators should be given priority over LPTV stations. This is a narrow and self-serving viewpoint from a group dominated by large television stations, many of whom own translators and operate them to enhance the profits of the primary television station.^{2/} It ignores the public interest standard of the

^{1/} The Joint Broadcasters purport to represent the broadcasting industry generally, but they did not invite the CBA to join them or to participate in their meetings, and CBA was not a party to their comments.

^{2/} The Joint Broadcasters stress the secondary status of LPTV stations, but of course the translators they seek to favor are equally secondary. Furthermore, CBA repeats for the "umpteenth" time that it has not asked for any change in the secondary status of either LPTV stations or translators.

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Communications Act that still applies to television broadcasting and must by law guide the FCC's actions.

3. CBA stated in its initial comments that translators and LPTV stations should be treated alike. Circumstances may vary from community to community, but it certainly would not be in the public interest to shut down an LPTV station providing a community's only local programming service in favor of the rebroadcast of a distant home shopping service or all-day old movies from 75 or 100 miles away via a translator, and CBA doubts that any true broadcaster could say otherwise with a straight face.

4. Local service is the bedrock of American broadcasting. Translators are by definition not local. They exist only to carry signals a long way away from where they originate and are not intended to focus on local needs. In contrast, an LPTV station which originates programming must please the local audience with that programming if it is to survive.

5. The fact is, however, that there is no need for the Commission to establish a formal priority as between LPTV stations and translators in its ATV rules, because it is very unlikely that a direct choice between a translator and an LPTV station will ever have to be made. First, the Joint Broadcasters have urged that specific ATV channels be assigned to local stations at the same time that an ATV standard is chosen. ATV allotments and assignments will be made based on mileage separation standards relating to full power TV stations. Thus a

determination of whether or not any translator or LPTV station will be displaced will be based on the ATV allotment system, not what kind of programming is on the translator or LPTV. In other words, if displacement occurs, it will be based on the channel on which the translator or LPTV station operates, not the nature of its service.

5. It also makes little sense to establish priorities based on the nature of a station's service when licensees are free to switch between translator and LPTV status any time, by simply giving notice to the Commission, without any formal application. A station that is a translator one day may become an LPTV station the next, and vice versa.^{3/} While there may be individual stations whose local service is meritorious enough to warrant a special preservation effort, any such decision should be made on a case-by-case basis. Finally, most translators operate in rural areas, where spectrum is in the greatest supply. The more rural the area, the less likely it is that there will be any displacement.

6. After many years of effort by a dedicated Commission staff, the LPTV licensing system has now stabilized and is working well. Speculators are abandoning the application process, and serious operators are building stations. New local

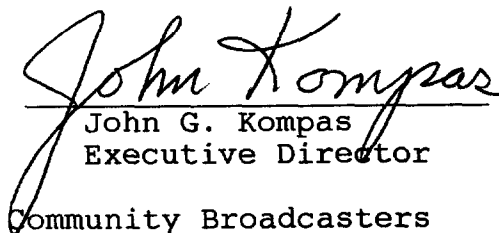
^{3/} If translators were automatically given priority in displacement situations, LPTV applicants would be encouraged to apply for translators or to convert to translator status, suppressing local service until the ATV allotment plan was completed. Suppression of local service would clearly be contrary to the public interest.

services are being provided. CBA believes that many participants in the Joint Broadcasters would rather not see new services and new competition and would be happy to see ATV get rid of some of it. The Commission should not endorse their efforts.

7. The Notice of Proposed Rule Making in this proceeding reaffirmed the Commission's position that where displacement occurs, the present rule will remain in effect that allows the displaced station to apply for a new channel without competing applications. This determination recognizes the value of LPTV stations, and CBA urges the Commission to stand by it.

8. CBA further believes that LPTV stations should be given a very high priority, immediately below that of existing full power stations, in applying for ATV spectrum. Once the deadline for full power ATV applications has passed, an exclusive window should be open for applications by LPTV stations for any remaining spectrum on the same non-interference basis used in the LPTV industry today. Only after all existing television stations, full and low power, have been accommodated should applications be invited from new parties.

Respectfully submitted,


John G. Kompas
Executive Director

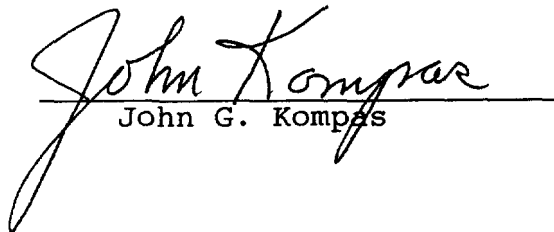
Community Broadcasters
Association
P. O. Box 26736
Milwaukee, WI 53226-0736
414-783-5977

January 17, 1992

CERTIFICATE OF SERVICE

I, John G. Kompas, do hereby certify that I have, this 17th day of January, 1992, caused to be sent by first class United States mail, postage prepaid, a copy of the foregoing "Reply Comments of the Community Broadcasters Association" to the following:

Jonathan D. Blake, Esquire
Covington & Burling
P. O. Box 7566
Washington, DC 20044
Counsel for "Joint Broadcasters"



John G. Kompas